

Appl. No. 10/612,649
Amdt. dated Jun. 21, 2005
Reply to Office action of Mar. 21, 2005

REMARKS

In response to the Office Action dated March 21, 2005, Applicants respectfully request reconsideration based on the above claim amendment and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claim 24 has been canceled, without prejudice, claims 1-3, 7 and 14 have been amended, and claims 8-13 and 19-23 have been withdrawn. No new matter has been added by the amendment.

Claim Rejections Under 35 U.S.C. §102(a)

Claims 1-3, 5, 14, 15, 17 and 24

Claims 1-3, 5, 14, 15, 17 and 24 were rejected under 35 U.S.C. §102(a) as being anticipated by Applicant's Prior Art, hereinafter "APA".

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). It is respectfully submitted that APA fails to teach each and every element as set forth in independent claims 1 and 14 for at least the reasons described below. Claim 24 has been cancelled without prejudice, thus the rejection of claim 24 is now moot.

Applicants have amended claims 1 and 14 to recite, *inter alia*, edges of the second region including a boundary between the first and second regions and an opening portion where the second region does not contact the first region. Additionally both claims 1 and 14 recite, *inter alia*, that an orientation film is rubbed in a first direction toward the opening portion.

In contrast, APA merely discloses a second region 14a that lacks an opening portion since it is completely enclosed by the first region 14b. Thus, APA does not teach the second region having an opening portion. APA also fails to teach that an orientation film is rubbed in a direction toward the opening portion. In fact, in all cases shown in APA (see Figures 2-4) the orientation film is rubbed toward a boundary between the first and second regions and not toward an opening portion. Thus, APA fails to teach edges of the second region including a boundary between the first and second regions and an opening portion where the second region

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does not contact the first region and that an orientation film is rubbed in a first direction toward the opening portion, as claimed in amended claims 1 and 14.

Accordingly, claims 1 and 14 are believed to be patentably distinct and nonobvious in view of APA. Claims 2, 3, and 5 depend either directly or indirectly from claim 1, and thus include all the limitations of claim 1. Claims 15 and 17 depend directly from claim 14, and thus include all the limitations of claim 14. Thus, claims 2, 3, 5, 15 and 17 are believed to be allowable for at least the reasons given for claims 1 and 14, which are believed to be allowable.

Accordingly, Applicants respectfully request that the Examiner reconsider the rejections of claims 1-3, 5, 14, 15 and 17 under 35 U.S.C. §102(a).

Claim Rejections Under 35 U.S.C. §103(a)

In order for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). See MPEP 2143.

Claims 4, 6, 7, 16 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over APA in view of Kubo et al., U.S. Patent No. 6,452,654 (hereinafter "Kubo").

As mentioned above, APA fails to teach either edges of the second region including a boundary between the first and second regions and an opening portion where the second region does not contact the first region and that an orientation film is rubbed in a first direction toward the opening portion as recited in claims 1 and 14. Kubo is directed to an LCD display having pixels with transmissive and reflective regions. Kubo fails to disclose an opening portion as claimed in claims 1 and 14 or that an orientation film is rubbed toward the opening portion. Thus, Kubo neither teaches nor suggests edges of the second region including a boundary between the first and second regions and an opening portion where the second region does not contact the first region and

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that an orientation film is rubbed in a first direction toward the opening portion as recited in claims 1 and 14. Thus the cited references do not render claims 1 and 14 obvious. Claims 4, 6 and 7 depend indirectly from claim 1, and thus include all the limitations of claim 1. Claims 16 and 18 depend indirectly from claim 14, and thus include all the limitations of claim 14. The dependent claims 4, 6, 7, 16 and 18 are patentable for at least the same reasons as given above for the independent claims 1 and 14.

Accordingly, Applicants respectfully request the Examiner's reconsideration of the rejections of claims 4, 6, 7, 16 and 18.

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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Date: June 21, 2005

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